SOUTHERN DISTRICT OF		x	
UNITED STATES OF AME		: :	
	Plaintiff,	:	1:23-cr-00198 (ALC)
-against-		:	AMENDED ORDER
TERRY MITCHELL,		:	
	Defendant.	:	
		:	
		:	
		X	

ANDREW L. CARTER, JR., District Judge:

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Tomorrow's oral argument will follow the following schedule:

- Defendant will have 8 minutes for opening arguments;
- Plaintiff will have 8 minutes for its response;
- Defendant will have 3 minutes for rebuttal;
- Plaintiff will have 3 minutes for rebuttal.

The parties are directed to be prepared to answer the following questions during tomorrow's oral argument:

- Is the gun Defendant was convicted for possessing the same gun that allegedly used to threaten his neighbors?
- Under the *Bruen* framework, which facts of the case should the Court examine?
- How does Defendant's status as an individual with nonviolent felony convictions affect the analysis under the *Bruen* framework?
- When considering an as-applied claim in the context of the Second Amendment, which facts of the case should the Court examine?

• The government has presented evidence of the existence of religious and race-based arms restrictions in England and in the colonial era. When undertaking a *Bruen* analysis, how can and should the Court rely on these restrictions, which would be unconstitutional today, to justify Section 922(g)(1)?

SO ORDERED.

Dated: October 26, 2023

New York, New York

ANDREW L. CARTER, JR. United States District Judge

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